

**TOWN COUNCIL
REGULAR MEETING
JANUARY 7, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:04 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Santini and Councilmembers Bush, Cox and Kiar. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Michele Mellgren, Director of Development Services, addressed an inaccurate newspaper article on sex shops that could be located in the Town. She explained the regulations and process to approve of such business.

Barbara Belleau, 11829 SW 42 Court, spoke on the single member districts and the possibility that the Town would have four different representatives from the Broward County School Board.

Al Tyler, 8090 SW 19 Court, discussed emergency medical service response times.

Arthur Joseph, 13700 SW 18 Court, stated that there was a lot of unfinished business in the Town: competitive bidding and time spent on competitive negotiations, water issue, reports from the "Davie Animal Torture Committee" and Budget Advisory Committee, the Town's firefighter security and unacceptable response times on emergency medical services.

Robert Hoth, 1361 Whitestone Way, asked that the improvement on the entrance ramp going to I-595 from SW 136 Avenue "was dented in" and thought it could be made smoother. He advised that an open house would be held at the civic center on January 10th from 12:00 noon to 3:00 p.m. and interested individuals could sign up to take CPR or first aid.

Dean Alexander, 13820 SW 16 Street, stated that the Western High School band had been aired on CBS and indicated that this band was of national class. He congratulated the band and its band director.

Beatrice Schwartz, 11911 SW 12 Court, stated that she was appalled at the treatment that the Davie Democratic Club was receiving and indicated that the Club had not been granted a room for its weekly meeting because the Club had been delinquent in completing a contract. Mr. Flatley advised that the Club had not submitted its contract in time and the room had been assigned to another group. He indicated that staff had reviewed the different room schedules and when offered, Ms. Schwartz refused to meet at the Eastside Community Hall.

Bruce Novak, 4262 SW 78 Drive, advised that he was running for the District 2 seat.

Elliot Frimmer, 1749 SW 81 Terrace, stated that the issue with the Davie Democratic Club was handled poorly. He asked why Waste Management was given the garbage franchise and why Sunrise was allowed to raise their rates without approval of Council. Mr. Flatley discussed an article in the Sun Sentinel and indicated that comparisons could not be made between different cities because of differences in the contracts.

John Pisula, 2933 SW 136 Avenue, stated that the drainage ditch at the northeast corner of SW 26th Street and 136th Avenue was becoming overgrown with Australian pines and asked if removing the debris could be looked into. He advised that a meeting of the Davie Educational Foundation would be meeting on January 8th and the fundraiser to be held in April was being worked on. Mr. Pisula indicated that a CrimeWatch booth would be set up for the WestFair events and added that all the other presidents were asked to become involved.

Nicole Miller, 12931 SW 17 Place, advised that the Summer Lake community was requesting that the Town install speed humps in the neighborhood because of speeding. She advised that she had presented Councilmember Kiar with signatures of the residents who were in favor of the speed humps. Councilmember Kiar suggested that the feasibility of this recommendation be looked into and provided the document to Mr. Flatley.

Judy Paul, 14421 SW 24 Street, thanked Police Chief Jack Mackie for working with her Pre Law and Public Affairs Magna Program and indicated that the Town's Police Department was featured in a video for the Magna Program. She added that two high school criminal justice students would be interning with the Police Department beginning in January.

Sandra Switzer, 13510 SW 29 Street, stated that she was disappointed with the negotiations for the garbage contract.

Mike Leperage, 11430 NW 35 - Sunrise, stated that a car show had been held at the Tower Shops every Friday night for the past five years without incident; however, the Code Compliance Division had indicated that the group was in violation of the Code. He stated that he had letters from visitors and the stores who did not want the event closed down. Mr. Leperage advised that individuals from all over the State of Florida came to the event and he asked if there was anyway to allow the car show to remain open. He indicated that the only reason that was given was that no outside events were allowed in the Town. Mayor Venis advised that he understood that the problem was with outside sales with Mr. Leperage replying that the vendors had indicated that they would obtain occupational licenses. Mr. Leperage indicated that a complaint had been made regarding the noise but the noise was caused by an event that Home Depot was holding. Mayor Venis recommended that a meeting be scheduled with him and Mr. Flatley to try to work out any problems. Councilmember Cox indicated that the Code did not permit this type of event and added that the residents in the area were unhappy with the noise. Ms. Mellgren advised that outside sales were generally prohibited in this type of zoning area and the group could probably apply for a special permit with certain types of restrictions.

Michael Davenport, 14041 SW 22 Place, stated that he was disappointed to hear that Representative Debbie Wasserman-Schultz had either initiated or supported a bill to deannex the Ivanhoe community. He indicated that he knew that Council had responded promptly and efficiently to concerns and requests from the community. William Johnston, 7911 SW 29 Street, stated that it appeared that the Town was being selective on which car shows were allowed as a car show was being held every Saturday at a property near his home. He said that the Friday night car show was well organized and family oriented.

4. PRESENTATIONS

4.1 Davie/Cooper City Chamber of Commerce

No representative was present.

4.2 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: youth baseball registration ages 4 1/2 to 14 (February 6th deadline); girl's softball registration ages 6 to 15 (January 30th deadline); Pine Island Community Center Open House (January 10th); French Day Get Together (January 13th); and 55 Alive Mature Drive Class (February 18th - 19th). She advised that the Town would be receiving a \$15,000 grant from the Broward Cultural Arts Affairs Council for Community Arts and Education Program which would be used to upgrade the cultural opportunities for the underserved communities in the Town. Ms. Pierce-Kent added that the Department of Environmental Protection (DEP) had received over 100 FRDAP grants during the last submission period and the DEP staff was recommending that only the top 31 grant projects be funded. She stated that the Town had been ranked number 16 out of 31.

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Bull Riding Competition (January 10th); Five Star Rodeo (January 23rd - 24th); Hollywood Dog Club Annual Dog Obedience Trials (January 30th - February 1st); Dr. Martin Luther King Jazz Concert (January 18th); February Craft Show during the WestFair events; (February 14th - 15th); Keep Davie Beautiful in District 3 (January 24th); and Davie Elementary School Wrestling Mania (January 24th).

5. OCCUPATIONAL LICENSES

5.1 A AAAdvance Septic & Drain, Inc., 2750 SW 154 Avenue

Myndi Sorrell, the applicant, was present. She confirmed that the request was for mail and phone use only. Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

5.2 Andrea R. Boni, 1621 SW 117 Avenue

Andrea Boni, the applicant, was present and advised that her application was for family child care. She stated that she had moved to a larger home and had been advised that she needed to be reapproved. Ms. Mellgren indicated that she would need to check the Code to see if a license was needed for this type of business. Mayor Venis suggested that this item be researched and discussed later in the meeting.

5.3 Futurevision Satellite Communications, Inc., 14310 SW 14 Street
This item was withdrawn by the applicant.

Mayor Venis announced that item 9.1 needed to be tabled to January 21, 1998.

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

Mayor Venis announced that item 10.10 needed to be tabled to February 18, 1998.

Councilmember Cox made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

Mayor Venis announced that items 10.11 and 10.12 needed to be tabled to January 21, 1998.

Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

6. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

SAFETY SUMMIT. Judy Paul, 14421 SW 24 Street, discussed a Safety Summit which she was proposing and explained that the Summit would educate the general driving public on safety issues. She advised that the Executive Board of the Fraternal Order of Police Associates Davie Lodge 100A, had endorsed the concept. Ms. Paul stated that the Summit would be "kicked off" at WestFair and March 7th had been identified as Safety Summit day. She indicated that the next meeting would be held on January 22nd and all who wanted to participate could contact her for further details.

VICE-MAYOR SANTINI

HAPPY NEW YEAR. Vice-Mayor Santini wished everyone a happy New Year.

POLICE AND FIRE PENSION. Vice-Mayor Santini stated that she had asked staff to prepare comparisons on the police and fire pension benefits for the pension members due to the possibility of consolidating of the boards. She asked Council to review this before it was distributed to the pension members.

NEIGHBORHOODS. Vice-Mayor Santini advised that she had been visiting the different neighborhoods and 99.9% of the Town's residents were happy with the job that Council was doing.

IRIS MASKS. Vice-Mayor Santini stated that the Town had approved the purchase of two IRIS masks and announced that a few months ago, American Medical Response confirmed that it would be contributing towards the purchase of an additional mask.

CAR SHOW. Vice-Mayor Santini indicated that the car show was a family event and if something could be done with a special permit, the Town needed to work with the car show representatives. Vice-Mayor Santini asked staff to let Council know if an event fit into a community type event before issuing a Code violation.

GARBAGE FRANCHISE. Vice-Mayor Santini stated that regarding the garbage franchise, she reviewed the different company's services for months. She discussed the improvements made to the franchise.

GRANTS. Chief Mackie advised that Officer Tiffany Richards had been instrumental in obtaining the Town's Emergency Operations Center grant. He added that Officer Richards and Captain John George were involved in obtaining innovative new grants to obtain equipment that would help with traffic control.

DUI CHECKPOINT. Chief Mackie stated that the Town would be having a DUI checkpoint. on January 10th from 9:00 p.m. to 3:00 a.m. on Stirling Road. He discussed the proclamation [item 8.2] that would be heard later in the meeting and indicated that the Town would be focusing more on red light violations.

COUNCILMEMBER COX

CONDOLENCES. Councilmember Cox extended her condolences to former Councilmember Arthur Lazear on the loss of his wife.

THIRD ANNUAL RIDE-A-THON. Councilmember Cox stated that the Ride-A-Thon would be held on February 1st and all were invited to participate. She indicated that the fundraiser would benefit the Davie Boys and Girls Club.

COWBOY GOLF TOURNAMENT. Councilmember Cox stated that the Tournament would be held on January 26th.

SCHOOL FACILITY AGREEMENT. Councilmember Cox stated that she would be meeting with the Broward County School Board on an agreement and asked that Council let her know of any additional issues that she needed to finalize. Vice-Mayor Santini indicated that she would like to see additional transportation for the children's sleep-a-way camp groups. Mayor Venis stated that Davie Elementary was holding a fundraiser at Nova High School gymnasium and a fee was charged. He advised that according to the Town's agreement, no fee was to be charged because of the EMS fee. Councilmember Bush indicated that he, Ms. Pierce-Kent and Assistant Town Administrator Robert Rawls were working with Nova for the Town to utilize its fields for something in return, such as lighting. Chief Mackie asked that the Police Athletic League be allowed to use school fields at night.

GARBAGE FRANCHISE. Councilmember Cox clarified that she voted to put the garbage franchise out to bid.

COUNCILMEMBER KIAR

ELECTIONS. Councilmember Kiar stated that the Town's election was scheduled for March 10th and reminded everyone to vote.

HOLIDAY SEASON/NEW YEAR. Councilmember Kiar hoped that everyone had a great holiday season and a great 1998.

SAFETY SUMMIT. Councilmember Kiar stated that he liked the Safety Summit which Ms. Paul discussed.

PROCLAMATION. Councilmember Kiar stated that a proclamation was on tonight's agenda [8.2] proclaiming January 11th - 17th as Stop! Red Light Running Week which was important.

POLICE DEPARTMENT. Councilmember Kiar stated that the Town's Police Department was the best.

CONDOLENCES. Councilmember Kiar extended his condolences to Mr. Lazear on the loss of his wife.

MAYOR VENIS

CONDOLENCES. Mayor Venis extended his condolences to Mr. Lazear on the loss of his wife.

HAPPY NEW YEAR. Mayor Venis wished everyone a happy New Year.

GROUNDBREAKING/SUBSTATION OPENING. Chief Mackie announced that the groundbreaking for the new police/fire/EMS facilities would be held on January 20th at 10:00 a.m. He added that he did not have a definitive date for the opening of the substation in the Ivanhoe area but should know something by the next meeting. Mayor Venis recommended that the opening be in the beginning of February and he wanted the residents notified. Mayor Venis stated that the residents in the Shenandoah area were excited about Phase II at Shenandoah Park and asked that a groundbreaking ceremony be held

POLICE ATHLETIC LEAGUE CHRISTMAS PARTY. Mayor Venis stated that he and Councilmember Cox attended the Christmas Party and thanked all those involved.

TOWN'S EMPLOYEES. Mayor Venis stated that the Town's employees were a generous group and explained that during the holidays, the Town's employees had taken up a collection to have a disabled woman's electricity turned on.

SOUTH BROWARD UTILITIES/LEGISLATIVE BILL. Mayor Venis stated that the City of Sunrise had closed on the purchase of South Broward Utilities; however, the Town's counsel was still negotiating with Sunrise on rates and other concessions to finalize the entire agreement. He indicated that he would like to see a deadline placed on the negotiations or else the Town would have to litigate the matter and asked for Council's thoughts.

Mr. Webber explained that the Town could not litigate the acquisition but it could litigate over Sunrise's right to serve within the Town's corporate limit. After some discussion, Mayor Venis asked that Mr. Webber be given the discretion to set a deadline with no objections being noted. Vice-Mayor Santini requested that Mr. Webber return to Council at the end of the deadline if nothing could be resolved and Council could then provide instructions to litigate. Mr. Webber responded that he would return to Council seeking authorization to file if this was what

Council wished. Councilmember Cox questioned the legislative bill regarding the surcharge issue and asked if this should be withdrawn. Mr. Webber advised that this issue would not be resolved if the legislative bill moved forward. Mayor Venis indicated that he would not be in favor of withdrawing the bill and discussed the complaints that the Town had received regarding Sunrise's water.

7. TOWN ADMINISTRATOR'S COMMENTS

TOWN ADMINISTRATOR'S REPORT

TOWN'S EMPLOYEES. Mr. Flatley congratulated the Town's employees on their collection to have a disabled woman's electricity turned on. He explained that the employees found out about the problem at 9:00 a.m. and by 12 noon, over \$500 had been raised.

NEIGHBORHOOD WORKSHOP. Mr. Flatley advised that a neighborhood workshop would be held on January 13th from 6:30 p.m. to 9:30 p.m. at the Hawkes Bluff Elementary School.

8. CONSENT AGENDA

Minutes

8.1 November 19, 1997 - Regular Meeting

Proclamation

8.2 Stop! Red Light Running Week, January 11 - 17, 1998

Resolutions

8.3 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-1 BID AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT FOR DYKES ROAD/GRIFFIN ROAD INTERSECTION IMPROVEMENTS.**

8.4 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-2 BID FOR ELECTRICAL MATERIALS AND CONCRETE POLES FOR PINE ISLAND PARK. (McDonald Distributors - \$37,798.16)**

8.5 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-3 STATE CONTRACT BID 070-100-400, TO PURCHASE 12 REPLACEMENT POLICE VEHICLES. (Duval Ford, Inc. - \$265,704)**

8.6 **EXTENDED TRAVEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-4 AUTHORIZING EXTENDED TRAVEL FOR OFFICER JOHN NASTA OF THE DAVIE POLICE DEPARTMENT. (Instructor Techniques Training - \$129)**

8.7 **LEASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING R-98-5 THE TOWN OF DAVIE TO ENTER INTO A BERGERON RODEO GROUNDS LEASE AGREEMENT BETWEEN BENTLEY BROTHERS CIRCUS AND THE TOWN OF DAVIE. (February 3 - 5, 1998; rental fee - \$1,500)**

8.8 **SUMMER CAMP PROGRAM FUNDING - A RESOLUTION OF THE TOWN OF R-98-6 DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING FOR THE 1998 SUMMER CAMP PROGRAM ADMINISTERED BY THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS CHILDREN'S SERVICES BOARD IN THE AMOUNT OF \$34,500.**

8.9 **SUMMER DROWNING PREVENTION PROGRAM - A RESOLUTION OF THE R-98-7 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING FOR THE 1998 SUMMER DROWNING PREVENTION PROGRAM ADMINISTERED BY THE BROWARD COUNTY BOARD OF**

COUNTY COMMISSIONERS CHILDREN'S SERVICES BOARD IN THE AMOUNT OF \$20,000.

8.10 SUBDIVISION PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-8 FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "STIRLING MEADOWS" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 9-6-97, 7800 Stirling Road)

8.11 STATE HOUSING INITIATIVES PARTNERSHIP RATIFICATION - A R-98-9 RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE AMENDED SHIP AGREEMENT BETWEEN BROWARD COUNTY AND THE DAVIE COMMUNITY REDEVELOPMENT AGENCY. (extension from December 31, 1997 to December 31, 1998)

8.12 WATER AND SEWER AGREEMENT TERMINATION - A RESOLUTION OF THE R-98-10 TOWN OF DAVIE, FLORIDA, AUTHORIZING TERMINATION OF THE WATER AND SEWER SERVICE AGREEMENT DATED JUNE 17, 1987, AS IT APPLIES TO TWO ACCOUNTS IN THE NAME OF TEMPLE BETH EL MEMORIAL GARDENS; PROVIDING FOR RETURN OF PAYMENTS MADE AFTER DISCONTINUANCE OF SERVICE; AND PROVIDING AN EFFECTIVE DATE.

8.13 LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-11 FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS; AND PROVIDING AN EFFECTIVE DATE.

Ordinances - First Reading (Public Hearing to be held January 21, 1998)

8.14 EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A UTILITY AND SIDEWALK EASEMENT FROM THE TOWN OF DAVIE, AND PROVIDING AN EFFECTIVE DATE. (VA 9-2-97, SW 55 Avenue at SW 57 Street)

8.15 AMENDING TRUST FUND - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CERTAIN PROVISIONS RELATING TO THE COMMUNITY REDEVELOPMENT TRUST FUND CREATED BY ORDINANCE 88-75, AS AMENDED; PROVIDING FOR THE EXISTENCE OF THE REDEVELOPMENT TRUST FUND FOR THIRTY (30) YEARS FROM THE DATE OF THE ADOPTION OF THE AMENDED COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR AMENDMENTS TO THE FUNDING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance - First Reading (Public Hearing to be held February 4, 1998)

8.16 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-102 OF THE CODE OF DAVIE ENTITLED, "PLANT MATERIAL", BY AMENDING SECTION 12-102(O) TO INCLUDE "ROOKERIES"; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kiar asked that items 8.2 and 8.5 be removed from the Consent Agenda. Councilmember Cox asked for a clarification on item 8.16. Vice-Mayor Santini asked to make a comment on item 8.9.

Town Clerk Reinfeld read the ordinances-first reading by title only. Mayor Venis advised that a public hearing on items 8.14 and 8.15 would be held on January 21, 1998. He announced that a public hearing on item 8.16 would be held on February 4, 1998.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 8.2, 8.5, 8.9 and 8.16. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

8.2 Town Clerk Reinfeld read the proclamation by title.

Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

8.5 Councilmember Kiar questioned if local dealers had been contacted. Captain John George replied affirmatively and explained the process. Councilmember Kiar advised that he would like to local vendors be contacted for future purchases.

Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to approve item 8.5. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

8.9 Vice-Mayor Santini explained the resolution and if the grant was not enough, recommended that the program be supplemented from either the funds designated for charities or from contingency.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

8.16 Councilmember Cox questioned if the Town would have to pay a property owner if this ordinance required a development to be around trees. Mr. Webber advised that he had serious concerns and had been researching this matter. After some discussion, Ms. Mellgren recommended that this item be tabled which would give staff time to meet with Broward County as the Town's plan and ordinances needed to be consistent with the County's plan and ordinances. Mr. Webber recommended that this ordinance be withdrawn as it appeared that there would be substantial changes to the proposed ordinance. Ms. Mellgren indicated that she would provide Council with an update in 30 days as to staff's progress. Mayor Venis recommended that a revised ordinance be provided at the first meeting in March.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to withdraw. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

9. SITE PLANS

9.1 PETITIONER REQUESTING A TABLING TO JANUARY 21, 1998

SP 8-6-97, Davie Shopping Center, 4400 Weston Road (BP) (tabled from December 17, 1997) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, eliminating the center entrance to the rear, maintaining a minimum of 20 foot landscaping buffer, using natural clay roof tiles, using colors as represented in the color rendering, and providing a color rendering that accurately depicted what would be seen off South Pointe Drive*

This item was tabled earlier in the meeting.

9.2 SP 11-1-97, Lake Pine Village, 11920 SW 7 Court (RM-5) (tabled from December 17, 1997) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

As the petitioner was not present, Mayor Venis indicated that this item would be heard at a later date.

10. PUBLIC HEARINGS

Ordinances - Second and Final Reading

10.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-1 AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE X ENTITLED, "PLANNING AND DEVELOPMENT," CREATING DIVISION 5. ENTITLED, "PLANNING AND ZONING IN PROGRESS"; CREATING THEREUNDER SECTION 12-315 ENTITLED, "GENERALLY," SECTION 12-315.1 ENTITLED, "EFFECTIVE DATE AND DURATION"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 17, 1997)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox questioned when the vested rights began if the ordinance was passed. Mr. Webber

responded that vested rights began when Council became aware of the fact that there would be a change. He added that he felt comfortable with the proposed ordinance as long as staff's procedure was such that staff would not attempt to impose it without Council being aware of the change.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

10.2 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-2 VACATING A PORTION OF ROAD RIGHT-OF-WAY LOCATED WITHIN THE STIRLING MEADOWS PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 10-1-97, Rabenau, 7900 Stirling Road)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-3 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM T TO M-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-1-97, CDI Engineering & Planning/Pelican Coast Holdings, Inc., 351 SW 148 Avenue)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Bush made a motion, seconded by Vice-Mayor Santini, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

10.4 LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF 98-4 DAVIE, FLORIDA, APPROVING APPLICATION LABC(SS)-97-4A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL (5 DU/AC)" TO "COMMERCE/OFFICE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (LABC(SS) 97-4A, 11800 State Road 84)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Santini made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - no; Councilmember Kiar - no. (Motion carried 3-2)

Quasi Judicial Items

10.5 REZONING - ZB 5-3-97, CDI Engineering & Planning/Sublime Inc., 5900 SW 70 Avenue (from R-2 to B-1) (tabled from December 10, 1997) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren advised that the planning report had been read and exhibits entered into the record at a previous meeting. She indicated that the petitioner had been meeting with the residents on their concerns. Mr. Webber advised that this item would be deemed to be a continuation of the previous hearing and the record of the previous hearing would be considered as part of the record of this hearing.

Bill Laystrom, representing the petitioner, provided a breakdown of the property. He discussed the concerns of the residents and the solutions provided by the petitioner. Mr. Laystrom stated that the previous owner had signed a declaration of restrictions and his client had re-executed the declaration. Discussion followed on the roadway, buffer and landscaping.

Mayor Venis questioned if the petitioner would be meeting again with the residents. Mr. Laystrom responded in the affirmative and hoped that a final resolution would be reached by the second reading of the ordinance.

Mr. Webber asked if anyone wished to comment on this item.

James Birch, 5880 SW 70 Avenue, indicated that the individual who had been talking with the petitioner was under the impression that this item was tabled until January 21st. He stated that he did not understand why this issue was being heard tonight and was offended by this action. Mr. Birch asked that this issue be tabled until January 21st.

Maria Peterson Epstein stated that the residents would like more time to go over their issues and what was recently presented was not what had been discussed.

Mayor Venis suggested that another meeting be held and that this issue be tabled to the next meeting.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to table until January 21, 1998. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

11.1 Mr. Laystrom asked that this item also be tabled as it pertains to the rezoning.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to table until January 21, 1998. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.6 REZONING - ZB 10-2-97, Mastriana/Sloan - Turnpike Business Center, 4955 Orange Drive (from A-1 to M-3) (tabled from December 17, 1997) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber advised that it appeared that only the petitioner was in attendance with regard to this matter. Ms. Mellgren summarized the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial. An unidentified man, representing the petitioner, explained the rezoning.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - out of room; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - out of room; and Councilmember Santini - yes. (Motion carried 3-0)

10.7 SPECIAL PERMIT - SE 11-1-97, CDI Engineering & Planning/Roth, 5660 Griffin Road (B-2 and A-1) (to permit a temporary operation plan for Bob Roth's New River Groves, to allow the existing business to operate during the planning, permitting and construction of a replacement facility) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved as amended [2 1/2 years with review for a one year extension]*

No additional witnesses were sworn in. Ms. Mellgren summarized the planning report and entered the planning report and attachments into evidence.

Dan Fee, representing the petitioner, explained the request. Ms. Mellgren advised that the temporary plan would be heard by the Site Plan Committee.

Mr. Webber stated that the hearing was concluded. Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Resolution

10.8 FEE REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-12 AMENDING A CONSULTANT'S REPORT FOR A PUBLIC SAFETY IMPACT FEE TO

PROVIDE FOR A CHANGE IN THE METHODOLOGY AND ADOPTING A REVISED FEE SCHEDULE CONTAINED WITHIN THAT REPORT.

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

Ordinance - First Reading and Public Hearing (Second and Final Public Hearing to be held January 21, 1998)

10.9 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32, ENTITLED, "TABLE OF PERMITTED USES," SUBSECTION (B), "COMMERCIAL, OFFICE AND BUSINESS USE DISTRICTS," AND SUBSECTION (C), "BUSINESS PARK AND INDUSTRIAL," TO CLASSIFY "VEHICLE, BOAT, TRUCK SALES" AS A CONDITIONALLY PERMITTED USE, SUBJECT TO THE DETAILED USE REGULATIONS OF SECTION 12-34; AMENDING SECTION 12-34 ENTITLED, "STANDARDS ENUMERATED," PARAGRAPH (CC), "VEHICLE, MOBILE HOME, RECREATIONAL VEHICLE, BOAT SALES, RENTALS", TO REQUIRE A MINIMUM DISTANCE SEPARATION BETWEEN AUTOMOBILE AND/OR TRUCK SALES FACILITIES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 10, 1997)

Town Clerk Reinfeld read the ordinances-first reading by title only.

Ms. Mellgren explained the ordinance.

Councilmember Kiar questioned if the Site Plan Committee could insist upon a facility that was comparable to Ed Morse or University Dodge as opposed to the types of facilities on 441. Ms. Mellgren responded affirmatively.

Councilmember Kiar stated that with this ordinance, the Town would be the only municipality to put a restriction on future businesses. Mayor Venis indicated that this ordinance was initially prepared so that University Drive would not look like 441. Vice-Mayor Santini advised that she did not want to line any corridor with all like businesses and thought it was better to have a variety of businesses. A length discussion followed.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Edna Moore, 6553 Stirling Road, spoke against the ordinance.

Emmanuel Sponder spoke against the ordinance.

Dean Alexander, 13820 SW 16 Street, spoke against the ordinance.

Leonard Kessler spoke against the ordinance.

Tom Wachtstetter, 5150 SW 70 Avenue, spoke against the ordinance.

Matt Morrall, 2455 East Sunrise Boulevard, spoke against the ordinance.

Mayor Venis closed the public hearing.

Ms. Mellgren stated that when this matter was initially discussed, the issue merited some exploration as there was a general concern to maintain or enhance the University Drive corridor. Discussion followed.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to deny. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - out of room; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-0)

Item requested to be tabled

10.10 PLANNING AND ZONING BOARD TABLED TO JANUARY 28, 1998; COUNCIL CAN TABLE TO FEBRUARY 18, 1998

REZONING - ZB 9-1-97, BGL Ltd./Helbar Investment Corp., 13290 State Road 84 (from B-2 to B-3) (tabled from December 17, 1997) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the conceptual plan and the voluntary deed restrictions*

This item was tabled earlier in the meeting.

Ordinance - Second and Final Reading

10.11 STAFF REQUESTING A TABLING TO JANUARY 21, 1998

VACATING OF RIGHT-OF-WAY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 55TH AVENUE ADJACENT TO SW 57TH STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-2-97, First Impression II Lake Owners Association, Inc., 5700 SW 55 Street) (tabled from December 10, 1997)
This item was tabled earlier in the meeting.

Trafficways Map Amendment

10.12 STAFF REQUESTING A TABLING TO JANUARY 21, 1998

TA 98-1, Town of Davie

This item was tabled earlier in the meeting.

11. ORDINANCES - FIRST READING (Public Hearing to be held January 21, 1998)

11.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 TO B-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-97, Fee/Sublime, Inc., 5900 SW 70 Avenue) (tabled from December 10, 1997)
This item was tabled earlier in the meeting.

11.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO M-3; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-2-97, Mastriana/Sloan - Turnpike Business Center, 4955 Orange Drive)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on item 11.2 would be held on January 21, 1998.

Councilmember Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

12. APPOINTMENTS

12.1 Budget Advisory Committee (term expires December 1998; one exclusive appointment: Councilmember Kiar) (members shall have experience in a financial related occupation or similar skills)
Councilmember Kiar appointed Mike Murphy.

12.2 Davie Water Advisory Board (terms expire December 1998; one exclusive appointment: Councilmember Cox; two exclusive appointments: Councilmember Kiar) (a minimum of one member shall be a licensed engineer)

Councilmember Cox deferred her appointment. Councilmember Kiar appointed Jay Enten and deferred his second appointment.

12.3 Community Redevelopment Agency (term expires April 1999; one exclusive appointment: Mayor Venis) (member shall either reside in, or engage in, business with the Town)

Mayor Venis appointed Bob Boegli.

13. DISCUSSION AND POSSIBLE ACTION

13.1 School Student Boundary Map

Vice-Mayor Santini advised that most municipalities around the nation were having problems with school boards. She stated that the proposed map was different than the boundary map of where children went to school and indicated that Council need to watch this issue closely. Vice-Mayor Santini added that the Town needed to question the Broward County School Board as to why districts were drawn without considering the boundaries where children were going to school. Council recommended that the Town address their concerns and that the

Town receive future School Board agenda so that either Council or staff could attend a meeting if needed.

Mayor Venis advised that Council needed to discuss the matter of the Planning and Zoning Board returning to two meetings each month. Councilmember Cox and Mayor Venis indicated that they preferred two meetings as it balanced out Council's agenda. Ms. Mellgren advised that the new Board member would not be able to attend the meeting that was held on the fourth Wednesday of the month because of a prior commitment. Councilmember Cox suggested that the meeting be held on a different day. Councilmember Bush recommended the second Wednesday and fourth Thursday. Ms. Mellgren stated that she would meet with staff to determine the best meeting days.

Mayor Venis stated that a resolution needed to be added to the agenda as item 13.2.

Councilmember Bush made a motion, seconded by Vice-Mayor Santini, to add [an item as 13.2]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion 5-0)

13.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE R-98-13 MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO A REVISED AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, PASADENA AT IMAGINATION FARMS, INC., AND GOLDEN POND DEVELOPMENT CORPORATION, PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS RELATED TO THE IMAGINATION FARMS EAST PLAT AND THE ICE PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rawls explained the resolution.

Councilmember Bush made a motion, seconded by Vice-Mayor Santini, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion 5-0)

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:35 p.m.

